

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION

2018 JUL 24 AM 10:19

STATE OF GEORGIA

THERESE S. BARNES
CLERK

In re: Inquiry Concerning
Judge Robert M. Crawford

)
)
)
)
)
)

Complaint Nos. 221-17C; 362-17C;
2018-43; 2018-115

Formal Charges

Upon direction of the Investigative Panel, the Director of the Judicial Qualifications Commission (the “Commission”) files these Formal Charges against Superior Court Judge Robert M. Crawford of the Griffin Judicial Circuit pursuant to Commission Rules 17.D (2)(c) and 19. The Investigative Panel has conducted a Full Investigation of the above-referenced complaints. It has further considered Judge Crawford’s responses in writing and in person before the Panel and voted for the Director to file Formal Charges with the Commission’s Hearing Panel to prove these allegations and remove Judge Crawford from office.

I. Preamble: Complaint Nos. 221-17C; 362-17C; 2018-115

The acts of judicial misconduct giving rise to these Formal Charges stem from four separate complaints filed with the Commission. In the interest of judicial economy, these Formal Charges are based only on one of the complaints, the

complaint regarding Judge Crawford's most egregious misconduct: the theft from the registry of the Superior Court of Pike County. However, Judge Crawford has also generally violated the Georgia Code of Judicial Conduct (the "Code") through a pattern and practice of failing to "dispose of all judicial matters fairly, promptly, and efficiently." (Rule 2.2.) Judge Crawford routinely fails to schedule hearings, issue orders, and otherwise proceed with the business of resolving cases before him. This failure has resulted in a large backlog of cases, which have issues ripe for resolution, yet sit pending for years at a time waiting for Judge Crawford to take meaningful action. Examples of this failure include the following cases,

- Americani v. Demagnus (Sup. Ct. Fayette Cty., Civ. No. 2012-V-1034): Judge Crawford failed to rule on an uncontested motion for partial summary judgment for over three years;
- Scherer v. Scherer (Sup. Ct. Fayette Cty., Civ. No. 2016-V-0138): Judge Crawford failed to take any meaningful action to adjudicate this divorce case for over two years;
- Ingle v. Cotter (Sup. Ct. Pike Cty, Civ. No. 2017-CV-029): Judge Crawford failed to hold a hearing on a legitimation petition, which resulted in his entry of an illegal order, and then transferred the case to juvenile court to avoid dealing with the matter; and
- State v. Mustafa Mahdi (Sup. Ct. Fayette Cty., Crim. No. 2014R-0069) and State v. Thomas Zerbarini (Sup Ct. Fayette Cty., Crim. No. 2015R-0067): These cases are illustrative of Judge Crawford's large backlog of criminal cases, many of which remain pending for years before final disposition.

These Formal Charges, however, are not based on these Code violations but the more serious misconduct below. The Director does reserve the right, however, to subsequently pursue charges based on these violations.

II. Complaint No. 2018-43

Judge Crawford violated the Code by impermissibly converting money from the registry of the Superior Court of Pike County. The Code requires judges to “respect and comply with the law” and to refrain from “lend[ing] the prestige of their office to advance the private interests of the judge or others.” (Rules 1.1 and 1.3.) Judge Crawford violated these provisions in Clark v. Rawlins (Sup. Ct. Pike Cty., Civ. No. 02-V-344) when he ordered the Pike County Clerk via handwritten note to disburse \$15,675.62 in funds from the court registry to him via check.¹ Judge Crawford then cashed and used a portion of the check for his personal benefit and deposited the remainder of this money in his personal checking account.² Although

¹ The Clark case involved a complaint for the redemption of property following a tax sale. The case was initially filed in 2002, before Judge Crawford took the bench. Judge Crawford represented the plaintiffs, who sought to redeem the property and an injunction to remain on the property during the pendency of the case. The plaintiffs deposited the \$15,675.62 required by statute to redeem the property into the court registry to pay the defendant, who purchased the property at the tax sale, in the event plaintiffs prevailed on their redemption claim. The Pike County Superior Court dismissed the Clark case in 2009 for want of prosecution. The money, however, remained in the Court’s registry until the clerk disbursed it to Judge Crawford in December 2017. Significantly, no portion of that money was due to Judge Crawford. Instead, it should have gone to reimburse Judge Crawford’s clients or to the State.

² It bears noting that when an attorney impermissibly deposits a client’s funds in a personal checking account, that is generally grounds for significant attorney discipline. (See In re Dickson, 292 Ga. 707, 707 (2013) (accepting an attorney’s voluntary surrender of his law license, which is


Judge Crawford at one point claimed that at least a part of this money was owed to him for his prior representation of the plaintiffs, that claim was false. The funds either belonged to his clients or were unclaimed property that should have gone to the Georgia Department of Revenue (“DOR”). Only after Judge Crawford became aware of this Commission’s and law enforcement’s investigation into the matter did he remit those funds to the DOR. Judge Crawford violated Rule 1.1 by improperly ordering the disbursement of these funds, which did not belong to him. Additionally, Judge Crawford violated Rule 1.1 in failing to follow the proper procedure for the disbursement of funds, even if the money had been his, as required by law. (See OCGA § 9-11-67; Unif. Sup. Ct. R. 23.) Those provisions require a court order for a clerk to disburse funds, not a handwritten note as Judge Crawford provided here. Judge Crawford also violated Rule 1.3 of the Code by using the imprimatur of his judicial office to order the Pike County Clerk to disburse these funds for his own benefit. Thus, Judge Crawford violated Rules 1.1 and 1.3 of the Code.

The Director has served a copy of these Formal Charges on Judge Crawford consistent with Commission Rule 13 and as evidenced by the attached proof of service. Pursuant to Commission Rule 20, Judge Crawford must file an answer to these Formal Charges within thirty (30) days of service lest he admit to the charges.

“tantamount to disbarment,” because the attorney directed transfers of client funds from the firm’s trust account to his personal account).)

Once he answers or fails to do so within thirty (30) days, the Investigative Panel respectfully requests that the Hearing Panel schedule a date for the parties to exchange information about the witnesses for the hearing and for the Hearing Panel to set a date for the hearing pursuant to Commission Rules 22.A and 24.A.

Submitted this 24th day of JULY, 2018.

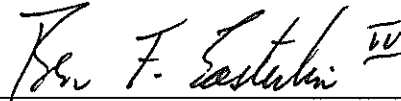


Ben F. Easterlin IV, Director
Judicial Qualifications Commission
P.O. Box 2179
Covington, GA 30015
beasterlin@gajqc.com
Georgia Bar Number: 237650

Proof of Service

Pursuant to Commission Rule 13, the Director has served these Formal Charges by email and by certified mail to Judge Crawford's physical mailing address on file with the Administrative Office of the Courts:

This 24th day of JULY, 2018.



Ben F. Easterlin IV, Director
Judicial Qualifications Commission
P.O. Box 2179
Covington, GA 30015
beasterlin@gajqc.com
Georgia Bar Number: 237650